

JONATHAN ALLAN KLEIN (State Bar No. 162071)  
JOSHUA M. HENDERSON (State Bar No. 197435)  
KELLY, HERLIHY & KLEIN LLP  
44 MONTGOMERY STREET, SUITE 2500  
SAN FRANCISCO, CALIFORNIA 94104  
Telephone: 415/951-0535  
Facsimile: 415/391-7808

Attorneys for Plaintiff  
JOHN MCCLUSKEY

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

\*E-FILED - 4/20/05\*

JOHN MCCLUSKEY,  
Plaintiff,

vs.

AVNET, INC., a Corporation; and DOES 1  
to 50, inclusive,  
Defendants.

CASE NO. C04-02634 RMW

**STIPULATION AND REQUEST FOR  
DISMISSAL WITH PREJUDICE  
AND ORDER**

Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure and a settlement reached by the parties, Plaintiff John McCluskey and Avnet, Inc., through their counsel, hereby stipulate to and request a dismissal with prejudice of this entire action, including any and all claims and causes of action alleged against any and all Defendants, with each party to bear its own attorneys' fees and costs.

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**STIPULATION AND REQUEST FOR  
DISMISSAL WITH PREJUDICE**

**CASE NO. C04-02634 RMW**

1 IT IS SO STIPULATED.

2  
3 DATED: April 4, 2005

KELLY, HERLIHY & KLEIN LLP

4  
5 /s/ Jonathan Allan Klein  
6 JONATHAN ALLAN KLEIN  
7 JOSHUA M. HENDERSON  
8 Attorneys for Plaintiff  
9 JOHN MCCLUSKEY

10 DATED: April 4, 2005

THOITS, LOVE, HERSHBERGER & McLEAN

11 /s/ Jeffrey A. Snyder  
12 JEFFREY A. SNYDER  
13 Attorneys for Defendant  
14 AVNET, INC.

15 IT IS SO ORDERED.

16  
17 Dated: 4/20/05

18 /S/ RONALD M. WHYTE  
19 JUDGE RONALD M. WHYTE  
20 Judge of the United States District Court,  
21 Northern District of California  
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